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Attorneys for KARLA FERNANDEZ, individually
and as Guardian ad Litem for MAURICIO
FERNANDEZ, a minor, as the heirs of
Carlos Casillas-Fernandez, Deceased

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND BRANCH

KARLA FERNANDEZ, individually
and as Guardian ad Litem for
MAURICIO FERNANDEZ, a minor, as
the heirs of Carlos Casillas-Fernandez,
Deceased,

Plaintiffs,

vs.

TASER INTERNATIONAL, INC., et
al.,

Defendants.

Case No.: C 06 4371 SBA

**STIPULATION AND ORDER RE:
CONTINUING DATES RELATING TO
EXPERT DESIGNATION, DISPOSITIVE
MOTIONS, PRETRIAL CONFERENCE AND
TRIAL**

Pretrial Conf.: April 15, 2008

Trial: April 28, 2008

Ctrm: 3 – Third Floor

Honorable Sandra Brown Armstrong

TO THE HONORABLE COURT:

1. STIPULATION:

IT IS HEREBY STIPULATED by and between the parties to this action, through

1 their respective attorneys of record, that:

2 (1) The current discovery cut-off set for February 15, 2008, is continued to **August**
3 **22, 2008;**

4 (2) The current expert designation and discovery deadline of February 15, 2008, is
5 continued to **August 22, 2008;**

6 (3) The current expert counter-designation has not been set.

7 (4) The current date for the completion of expert discovery of March 14, 2008, is
8 continued to **September 19, 2008;**

9 (5) The current deadline of March 4, 2008, for all motions including dispositive
10 motions to be heard shall be on or before **September 9, 2008**, at 1:00 p.m.

11 (6) The Mandatory Settlement Conference which ordered all parties to participate in
12 such conference before a Magistrate Judge between March 5 and March 21, 2008, shall be
13 continued to the time period of **September 10 through September 26, 2008;**

14 (7) The current pre-trial filing requirements as set forth in the Court's Order dated
15 March 20, 2007 paragraph "F", subsections 1-4, re "Pretrial Preparation" is continued to
16 **September 30, 2008**, consistent with the new pre-trial conference;

17 (8) The Pretrial Conference date currently set for April 15, 2008, is continued to
18 **October 21, 2008**, at 1:00 p.m.;

19 (9) Motions in Limine and objections to evidence currently due on April 1, 2008, is
20 continued to **October 7, 2008;** and responses to motions in limine and/or responses to
21 objections to evidence currently set for on April 8, 2008, is continued to **October 14, 2008.**

22 (10) The trial date currently set for April 28, 2008, is continued to **November 3, 2008,**
23 at 8:30 a.m., for an estimated 7-8 day jury trial.

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1 Good cause exists for a continuance of the above dates in this case based upon the
2 following: Despite the efforts of all counsel, there has been considerable difficulty scheduling
3 and completing plaintiff's deposition. Plaintiff, a single mother attempting to complete her
4 education requested, after the initial session of her deposition, that any additional deposition
5 sessions be scheduled only on a Friday and that all parties accommodate her school schedule.
6 Given the nature of the case and reasonableness of plaintiff's request, the parties have
7 attempted to accommodate that request. However, in combination with the calendars of all
8 counsel, the deposition of the plaintiff has not yet been completed.

10 As a result, given the fact that plaintiff's deposition is not yet complete, nor have any
11 other depositions been taken in this matter, the parties are unable at this point to address the
12 retention, designation and deposition(s) of experts without incurring burdensome and
13 potentially unnecessary expense. The parties are diligently attempting to work matters out, but
14 all parties agree the matter will not be ready for trial as currently scheduled. Furthermore, the
15 parties agree that the other deadlines in this matter, including for example the motion cut-off
16 filing, expert discovery cut-off, final mandatory settlement conference dates and other pre-trial
17 matters cannot be properly dealt with at this time as a result of the state of the discovery.

19 2. TRIAL CALENDARS AND CONFLICTS OF COUNSEL

20 Matthew J. LeBlanc, Esq., attorney for the City of Santa Rosa Defendants, currently has
21 trials scheduled for May 23, 2008 through May 30, 2008 (SCV-234087); June 2, 2008 through
22 June 19, 2008 (SCV-240574); June 13, 2008 through June 23, 2008 (SCV-240269); and
23 August 14, 2008 through September 14, 2008 (SCV-237557).

25 Randall H. Scarlett, attorney for plaintiff KARLA FERNANDEZ, individually and as
26 Guardian ad Litem for MAURICIO FERNANDEZ, a minor, as the heir of Carlos Casillas-
27 Fernandez, Deceased, currently has trials scheduled for April 30, 2008 (1 day), April 18, 2008
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(10 court days), April 24, 2008 (10 court days), May 12, 2008 (5 court days), May 13, 2008 (15-20 court days), June 16, 2008 (1 days), June 20, 2008 (1 day), June 30, 2008 (4 court days), July 11, 2008 (10 court days).

Cal J. Potter, III, attorney for plaintiff KARLA FERNANDEZ, individually and as Guardian ad Litem for MAURICIO FERNANDEZ, a minor, as the heir of Carlos Casillas-Fernandez, Deceased, currently has trials scheduled for March 25, 2008 (7 court days), April 21, 2008 (7 court days), May 12, 2008 (7 court days), May 19, 2008 (7 court days), June 30, 2008 (7 court days), August 10, 2008 (10 court days), August 11, 2008 (10 court days), September 2, 2008 (7 court days), September 15, 2008 (7 court days), and September 23, 2008 (7 court days).

There has been no prior modification to the Court's Scheduling Order in this case.

DATED: March 11, 2008 SCARLETT LAW GROUP

By _____
ROBERT E. ORMISTON
Attorneys for Plaintiffs

DATED: March 11, 2008 POTTER LAW OFFICES

By _____
CAL J. POTTER III, ESQ.
Attorneys for Plaintiffs

DATED: March 11, 2008 OFFICES OF THE CITY ATTORNEY

By _____
MATTHEW J. LeBLANC, ESQ.
Attorneys for Defendants CITY OF SANTA ROSA,
SANTA ROSA POLICE DEPT., CHIEF EDWIN F.
FLINT, OFFICERS BRIAN SINIGIANI, MATTHEW
SANCHEZ, DANIEL JONES, JAMES GRIFFING,
ROBERT ST. PIERRE, and GARY NEGRI

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

(1) The current discovery cut-off set for February 15, 2008, is continued to **August 22, 2008;**

(2) The current expert designation and discovery deadline of February 15, 2008, is continued to **August 22, 2008;**

(3) The current expert counter-designation has not been set.

(4) The current date for the completion of expert discovery of March 14, 2008, is continued to **September 19, 2008;**

(5) The current deadline of March 4, 2008, for all motions including dispositive motions to be heard shall be on or before **September 9, 2008**, at 1:00 p.m.

(6) The Mandatory Settlement Conference which ordered all parties to participate in such conference before a Magistrate Judge between March 5 and March 21, 2008, shall be continued to the time period of **September 10 through September 26, 2008;**

(7) The current pre-trial filing requirements as set forth in the Court's Order dated March 20, 2007 paragraph "F", subsections 1-4, re "Pretrial Preparation" is continued to **September 30, 2008**, consistent with the new pre-trial conference;

(8) The Pretrial Conference date currently set for April 15, 2008, is continued to **October 21, 2008**, at 1:00 p.m.;

(9) Motions in Limine and objections to evidence currently due on April 1, 2008, is continued to **October 7, 2008;** and responses to motions in limine and/or responses to objections to evidence currently set for on April 8, 2008, is continued to **October 14, 2008.**

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(10) The trial date currently set for April 28, 2008, is continued to **November 3, 2008**,
at 8:30 a.m., for an estimated 7-8 day jury trial.

DATED: 3/13/08


SAUNDRA BROWN ARMSTRONG
United States District Judge

PROOF OF SERVICE

I declare that I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within cause; my business address is 536 Pacific Avenue, San Francisco, California 94133.

On the date set forth below, I served the attached **STIPULATION AND PROPOSED ORDER** in said cause, by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Fax (707) 543-3055	Matthew J. LeBlanc, Assistant City Attorney Office of the City Attorney City of Santa Rosa 100 Santa Rosa Avenue, Room 8 Santa Rosa, CA 95404
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☐ **BY MAIL** I placed each such sealed envelope in the outgoing mail receptacle for collection and mailing with postage thereon fully prepaid, at San Francisco, California, following ordinary business practices. I am readily familiar with the practice of the Scarlett Law Group for processing of outgoing mail, said practice being that in the ordinary course of business, said outgoing mail is deposited in the United States Postal Service the same day as it is placed for processing.

BY PERSONAL SERVICE:

☐ I personally delivered by hand to the addressee(s) noted above.

☐ The messenger who made personal, hand delivery has executed a proof of service and it follows this page.

**BY OVERNIGHT
DELIVERY SERVICE**

I packaged and arranged for overnight service pursuant to the provisions of the California Code of Civil Procedure.

BY FACSIMILE

I transmitted the contents of said envelope to be delivered by Facsimile machine at the number(s) set forth above.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct except as to those matters stated on information and belief and as to those matters, I believe it to be true.

DATED: March 12, 2008

DEBORAH SWANN